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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92061499
Party	Plaintiff Vice Media LLC and Vice Media Canada Inc.
Correspondence Address	LAWRENCE R ROBINS SULLIVAN & WORCESTER LLP ONE POST OFFICE SQUARE BOSTON, MA 02109 UNITED STATES lrobins@sandw.com, kherman@sandw.com, mpalmisciano@sandw.com, trademark@sandw.com
Submission	Other Motions/Papers
Filer's Name	Lawrence R. Robins
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Signature	/Lawrence R. Robins/
Date	06/09/2016
Attachments	Reply Memorandum - Motion for Protective Order.pdf(41544 bytes ) Robins Reply Declaration.pdf(1995134 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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KAVEH HAROUNIAN,

Counterclaimant,


- against -

VICE MEDIA LLC and  
VICE MEDIA CANADA INC.,

Counterclaim-Defendants.  
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: Cancellation No. 92/061,499  
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: **COUNTERCLAIM-DEFENDANTS'**  
: **REPLY MEMORANDUM OF LAW**  
: **IN FURTHER SUPPORT OF**  
: **MOTION FOR PROTECTIVE**  
: **ORDER**  
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Counterclaimant's Opposition to the motion by Counterclaim-Defendants Vice Media LLC ("Vice Media") and Vice Media Canada Inc. ("Vice Canada" and, together with Vice Media, "Vice") for a protective order is further evidence that Counterclaimant's true intention in seeking the deposition of Vice Media's CEO, Shane Smith, is to harass and not to gather discovery. As set forth in Vice's moving papers, Counterclaimant cannot take the deposition of Mr. Smith without first establishing that (1) Mr. Smith has unique knowledge of the facts at issue in this proceeding or (2) Counterclaimant has exhausted, without success, other less intrusive discovery methods, such as depositions of other employees. In his contrived effort to meet this standard, Counterclaimant fundamentally mischaracterizes the very nature of his case, the facts at issue in this proceeding, and the importance of Mr. Smith's testimony.

The only facts relevant in this cancellation proceeding relate to Vice's use of the VICE and Design mark  (Registration No. 4625064) (the "VICE Mark") in connection with providing information about fashion. More specifically, the two relevant factual issues are: (i) Vice's development and first use of the VICE Mark in connection with providing information

about fashion and (ii) whether Vice's use of the VICE Mark is likely to cause confusion with Counterclaimant's unregistered logo and registered word mark.

Counterclaimant argues that Mr. Smith "made the decision to adopt 'Vice' as part of his company's name and brand, which used to be the Voice of Montreal and then The Voice" and that he has knowledge of "why the 'Vice' brand was chosen, including whether fashion-related considerations were taken into account and whether it was chosen with knowledge of [Counterclaimant's] 'Vice' mark." *See* Opposition at 2. Regardless of whether or not Counterclaimant's allegation is correct, Vice's decision to call itself "Vice" versus "The Voice" is irrelevant to this dispute. This dispute concerns the first use of the VICE Mark, which is a logo, not the first use of the name "Vice".

Counterclaimant's Interrogatory No. 4 asked Vice to identify *each person* who was responsible for the development, selection, or adoption of the VICE Mark. In reply, Vice stated "The VICE MEDIA LOGO was developed, selected, and adopted in or around October 1996 by graphic designers under the supervision of Petitioners' co-founder, Suroosh Alvi." *See* Exhibit A to the Reply Declaration of Lawrence R. Robins, dated June 9, 2016. Vice has already proposed dates on which Mr. Alvi can be made available to testify knowledgeably about Vice's development and first use of the VICE Mark in connection with fashion information services. Mr. Smith was not identified in the interrogatory answer.

Counterclaimant also points to the fact that Mr. Smith signed a settlement agreement with Counterclaimant fifteen years ago, but Counterclaimant does not explain how that is relevant to whether Mr. Smith possesses unique knowledge of whether Vice's use of the VICE Mark is such as to cause a likelihood of confusion with Counterclaimant's own registered mark. *See* Opposition at 2. As set forth in Vice's moving papers, Mr. Smith's daily responsibilities involve managing Vice Media's massive media operations around the world and producing Vice's HBO

show—he is not intimately involved with Vice’s use of the VICE Mark in connection with providing information about fashion. *See* Declaration of Jon Lutzky, dated May 17, 2016 (“Lutzky Decl.”), ¶¶ 7-8. Furthermore, the Settlement Agreement executed in 2001 does not identify or otherwise mention Counterclaimant’s logo that is the focus of this case.

There are employees who are far more knowledgeable about the issues in this proceeding, one or more of whom Vice will produce in response to Counterclaimant’s Rule 30(b)(6) Notice of Deposition. Lutzky Decl. ¶ 12. The Board should require Counterclaimant to complete the 30(b)(6) and Alvi depositions before seeking to depose Mr. Smith.

For the foregoing reasons, Vice Media LLC and Vice Media Canada Inc. respectfully request that the Court enter a protective order preventing the deposition of Vice Media’s CEO, Shane Smith.

Dated: June 9, 2016

SULLIVAN & WORCESTER LLP

By: /s/Lawrence R. Robins  
Lawrence R. Robins  
Kimberly B. Herman  
One Post Office Square  
Boston, MA 02109  
T: (617) 338-2800  
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lrobins@sandw.com

*Attorneys for Vice Media LLC and  
Vice Media Canada Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on June 9, 2016, I served the foregoing COUNTERCLAIM-  
DEFENDANTS' REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF MOTION  
FOR PROTECTIVE ORDER on Registrant and Counterclaimant in this matter by emailing a  
true and correct copy thereof to the following attorney of record for Registrant and  
Counterclaimant, per the parties' agreement of October 1, 2015:

Sarah Silbert  
ssilbert@berliner-ip.com

Dated: New York, New York  
June 9, 2016

/s/Clark A. Freeman  
Clark A. Freeman  
Sullivan & Worcester LLP  
One Post Office Square  
Boston, MA 02109  
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cfreeman@sandw.com

*Attorneys for Vice Media LLC and  
Vice Media Canada Inc.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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KAVEH HAROUNIAN,

Counterclaimant,

- against -

VICE MEDIA LLC and  
VICE MEDIA CANADA INC.,

Counterclaim-Defendants.  
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: Cancellation No. 92/061,499  
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: **REPLY DECLARATION OF**  
: **LAWRENCE R. ROBINS**  
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Lawrence R. Robins, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an attorney with the law firm of Sullivan & Worcester LLP, counsel for Counterclaim-Defendant Vice Media LLC (“Vice Media”) and Counterclaim-Defendant Vice Media Canada Inc. (“Vice Canada” and, together with Vice Media, “Vice”). I submit this Reply Declaration in further support of Vice’s Motion for a Protective Order preventing Counterclaimant Kaveh Harounian from deposing Vice Media’s Chief Executive Officer, Shane Smith.

2. Attached hereto as Exhibit A is a true and correct copy of Vice’s Answers to First Set of Interrogatories by Defendant and Counterclaimant, dated April 12, 2016.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 9, 2016.

/s/Lawrence R. Robins  
Lawrence R. Robins

**CERTIFICATE OF SERVICE**

I hereby certify that, on June 9, 2016, I served the foregoing REPLY DECLARATION OF LAWRENCE R. ROBINS on Registrant and Counterclaimant in this matter by emailing a true and correct copy thereof to the following attorney of record for Registrant and Counterclaimant, per the parties' agreement of October 1, 2015:

Sarah Silbert  
ssilbert@berliner-ip.com

Dated: New York, New York  
June 9, 2016

/s/Clark A. Freeman  
Clark A. Freeman  
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*Attorneys for Vice Media LLC and  
Vice Media Canada Inc.*

# **EXHIBIT A**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Vice Media LLC, and  
Vice Media Canada Inc.

Plaintiffs,

v.

Kaveh Harounian,

Defendant

Cancellation No.: 92/061,499

**PLAINTIFFS' AND  
COUNTERCLAIM-DEFENDANTS'  
ANSWERS TO FIRST SET OF  
INTERROGATORIES BY  
DEFENDANT AND  
COUNTERCLAIMANT**

Kaveh Harounian,

Counterclaimant,

v.

Vice Media LLC, and  
Vice Media Canada Inc.,

Counterclaim-

Defendants

**INTERROGATORIES**

**INTERROGATORY NO. 1:**

To the extent YOUR response to any of the Requests for Admission set forth in the accompanying Requests for Admission is anything other than an unqualified admission: (i) state all facts upon which YOUR refusal to admit is based; (ii) IDENTIFY all PERSONS with knowledge of any such facts; and (iii) IDENTIFY all DOCUMENTS that support YOUR refusal to admit.

**RESPONSE:** This interrogatory was previously withdrawn.

**INTERROGATORY NO. 2:**

Describe the history and organization of VICE MEDIA, including the identity of any parent, subsidiary or affiliate ENTITY, and any other predecessor or successor organization thereto and, for each ENTITY, IDENTIFY DOCUMENTS sufficient to establish the ENTITY'S organizational chart.

**RESPONSE:** Petitioners object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO. 3:**

State the date, nature and duration of every use by YOU of the VICE MEDIA LOGO.

**RESPONSE:** Petitioners object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence in that it seems information on use of Petitioner's logo that is unrelated to the issues raised in the Counterclaims. Representative examples of Petitioner's use of the VICE MEDIA LOGO in connection with fashion information are available on Petitioners' website at [www.vice.com/fashion/page/1](http://www.vice.com/fashion/page/1).

**INTERROGATORY NO. 4:**

IDENTIFY the date and circumstances under which VICE MEDIA LOGO was developed, selected or adopted for use by YOU including, but not limited to, each PERSON responsible for the development, selection, or adoption of VICE MEDIA LOGO.

**RESPONSE:** The VICE MEDIA LOGO was developed, selected, and adopted in or around October 1996 by graphic designers under the supervision of Petitioners' co-founder, Suroosh Alvi.

**INTERROGATORY NO. 5:**

IDENTIFY every PERSON who was involved in YOUR decision to file an application with the Patent and Trademark Office for VICE MEDIA LOGO and, with respect to each such PERSON, describe the nature of his or her involvement in the decision.

**RESPONSE:** Petitioners object to this interrogatory on grounds that it seeks information protected by the Attorney-Client privilege. The decision to apply for the registration that is the subject of the Counterclaims was made pursuant to discussions between Petitioners' inside and outside counsel.

**INTERROGATORY NO. 6:**

For each product or service YOU sell, offer to sell, distribute, market, or advertise in the United States in connection with which YOU use the VICE MEDIA LOGO, IDENTIFY all PERSONS with knowledge of such use.

**RESPONSE:** Petitioners object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence in that it seems information on use of Petitioner's logo that is unrelated to the issues raised in the Counterclaims.

**INTERROGATORY NO. 7:**

DESCRIBE each and every product or service in connection with which YOU currently sell, offer for sale, distribute, advertise, or market, or which you plan to offer, sell, offer for sale, distribute, advertise, or market, under the VICE MEDIA LOGO in the United States.

**RESPONSE:** Petitioners object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence in that it seems information on use of Petitioner's logo that is unrelated to the issues raised in the Counterclaims. Notwithstanding the foregoing objection, Petitioner provides fashion information on its website, in its publications, and in its television programming.

**INTERROGATORY NO. 8:**

DESCRIBE in detail YOUR current and future plans to market any product or service in connection with VICE MEDIA LOGO in the United States including, but not limited to: (i) all advertising and promotional media that YOU use, or intend to use, to promote or sell products or services under VICE MEDIA LOGO; (ii) where such proposed advertising or promotion is to occur, and the proposed dates of such advertisement or promotion; (iii) the marketing channels in which YOU plan to sell products or services bearing or using VICE MEDIA LOGO; and (iv) the packaging, if any, in which YOU plan to sell or market products bearing or using VICE MEDIA LOGO.

**RESPONSE:** Petitioners' object to this interrogatory on grounds that it seeks confidential business information. Petitioners further object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence in that it seems information on use of Petitioner's logo that is unrelated to the issues raised in the Counterclaims.

**INTERROGATORY NO. 9:**

Set forth every logo or design that YOU ever considered using as an alternative to VICE MEDIA LOGO and, for each such logo or design: (i) state the date and place where the use of such logo or design was considered; (ii) IDENTIFY all PERSONS who participated in the consideration of using such logo or design; and (iii) IDENTIFY all DOCUMENTS that mention, discuss, RELATE or REFER to YOUR consideration of such logo or design.

**RESPONSE:** Petitioners are unaware of any alternative logo designs that may have been considered.

**INTERROGATORY NO. 10:**

If YOU claim to have acquired the right to use VICE MEDIA LOGO from any other PERSON or ENTITY: (i) IDENTIFY every PERSON and ENTITY from whom YOU claim to have acquired such rights; (ii) state the date on which the acquisition occurred; (iii) IDENTIFY all PERSONS having knowledge of the acquisition; (iv) IDENTIFY all DOCUMENTS REFERRING or RELATING TO the acquisition; and (v) describe each different product or service ever sold or offered for sale by each PERSON under the name or mark.

**RESPONSE:** Petitioners do not claim to have acquired the right to use the VICE MEDIA LOGO from any other person or entity.

**INTERROGATORY NO. 11:**

IDENTIFY all DOCUMENTS referring to or RELATING TO HAROUNIAN's VICE CLOTHING LOGO.

**RESPONSE:** In lieu of a response, representative documents will be produced.

**INTERROGATORY NO. 12:**

IDENTIFY each natural PERSON who provided information included in any of the answers to this set of interrogatories.

**RESPONSE:** Jonathan Lutzky, General Counsel, 49 South 2<sup>nd</sup> Street, Brooklyn, NY 11249

Suroosh Alvi, Co-Founder, 49 South 2<sup>nd</sup> Street, Brooklyn, NY 11249

**INTERROGATORY NO. 13:**

IDENTIFY all surveys, studies or investigations produced by or for YOU REFERRING or RELATING TO the VICE MEDIA LOGO alone or in conjunction with any other word or phrase.

**RESPONSE:** None.

**INTERROGATORY NO. 14:**

DESCRIBE the circumstances under which YOU first became aware of HAROUNIAN's VICE CLOTHING LOGO including, but not limited to, the date when YOU first became aware of the mark.

**RESPONSE:** Petitioners first became aware of the VICE CLOTHING LOGO in or about November 2014 when Petitioners' counsel discovered a website at [www.storenvy.com](http://www.storenvy.com) that was purporting to offer what was represented to be "Official VICE Gear" in the form of an "Official VICE Trucker Hat."

**INTERROGATORY NO. 15:**

State the number of consumers in the United States who have purchased or received goods or services offered under the VICE MEDIA LOGO in the United States each year since YOU began using it.

**RESPONSE:** Petitioners object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence in that it seems information on use of Petitioner's logo that is unrelated to the issues raised in the Counterclaims.

**INTERROGATORY NO. 16:**

State the number of consumers in the United States who have seen advertising or promotions using the VICE MEDIA LOGO for each year since YOU began using it.

**RESPONSE:** Petitioners object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence in that it seems information on use of Petitioner's logo that is unrelated to the issues raised in the Counterclaims.

**INTERROGATORY NO. 17:**

DESCRIBE in detail the characteristics of customers in the United States of goods or services offered under the VICE MEDIA LOGO including, but not limited to, the age, gender, geographical location, socio-economic status, and consuming habits.

**RESPONSE:** Petitioners object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence in that it seems information on use of Petitioner's logo that is unrelated to the issues raised in the Counterclaims.

**INTERROGATORY NO. 18:**

DESCRIBE each channel of trade in which YOU sell, offer, or distribute goods or services under the VICE MEDIA LOGO in the United States.

**RESPONSE:** Petitioners object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence in that it seems information on use of Petitioner's logo that is unrelated to the issues raised in the Counterclaims. Notwithstanding the foregoing objections, Petitioners make information on fashion available online via its website, in print media via its magazine, and through broadcast media via its Viceland television network and other broadcast outlets.

**INTERROGATORY NO. 19:**

State the gross revenue YOU have earned or received in connection with the sale of any goods or services bearing, displaying, or using the VICE MEDIA LOGO in the United States for each year since YOU began using it.

**RESPONSE:** Petitioners object to this interrogatory on grounds that it seeks confidential business information. Petitioners further object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence in that it seems information on use of Petitioner's logo that is unrelated to the issues raised in the Counterclaims.

**INTERROGATORY NO. 20:**

State the amount of YOUR sales (by unit and by dollar volume) of goods or services bearing or displaying the VICE MEDIA LOGO in the United States for each year since YOU began using it.

**RESPONSE:** Petitioners object to this interrogatory on grounds that it seeks confidential business information. Petitioners further object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence in that it seems information on use of Petitioner's logo that is unrelated to the issues raised in the Counterclaims.



**INTERROGATORY NO. 21:**

State the amount, if any, YOU have spent on marketing, promotion or advertising goods bearing or displaying the VICE MEDIA LOGO in the United States for each year since YOU began using it.

**RESPONSE:** Petitioners object to this interrogatory on grounds that it seeks confidential business information. Petitioners further object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence in that it seeks information on use of Petitioner's logo that is unrelated to the issues raised in the Counterclaims.

**INTERROGATORY NO. 22:**

State the profit and/or loss YOU have incurred from the sale of goods or services bearing or displaying the VICE MEDIA LOGO in the United States for each year since YOU began using it.

**RESPONSE:** Petitioners object to this interrogatory on grounds that it seeks confidential business information. Petitioners further object to this Interrogatory on the grounds that it is overly broad, burdensome, and not calculated to lead to the discovery of admissible evidence in that it seeks information on use of Petitioner's logo that is unrelated to the issues raised in the Counterclaims.

**INTERROGATORY NO. 23:**

IDENTIFY all DOCUMENTS that mention, discuss, evidence, constitute, refer to or RELATE TO any COMMUNICATION that makes reference to the VICE CLOTHING LOGO.

**RESPONSE:** Responsive non-privileged documents will be produced.

**INTERROGATORY NO. 24:**

IDENTIFY all DOCUMENTS that mention, discuss, evidence, refer to or RELATE TO HAROUNIAN.

**RESPONSE:** Responsive non-privileged documents will be produced.

**INTERROGATORY NO. 25:**

IDENTIFY all DOCUMENTS that mention, discuss, evidence, constitute, refer to or RELATE TO any research, reports, surveys or studies conducted by YOU or on YOUR behalf RELATING TO consumer or customer perception of the VICE MEDIA LOGO.

**RESPONSE:** Petitioners object to this interrogatory on grounds that it seeks confidential business information. Notwithstanding the foregoing objection, no such documents exist.

**INTERROGATORY NO. 26:**

DESCRIBE any evidence of actual consumer confusion stemming from YOUR use of the VICE MEDIA LOGO.

**RESPONSE:** None.

**INTERROGATORY NO. 27:**

IDENTIFY all DOCUMENTS that mention, discuss, evidence, constitute, refer to or RELATE TO any actual or likely confusion stemming from YOUR use of the VICE MEDIA LOGO.

**RESPONSE:** None.

**INTERROGATORY NO. 28:**

State all facts that support or RELATE TO YOUR contention in Paragraph 3 of the PETITION that HAROUNIAN “is . . . living at 1500 South Los Angeles Street, #5, Los Angeles, California 90015.”

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 29:**

State all facts that support or RELATE TO YOUR contention in Paragraph 8 of the PETITION that HAROUNIAN “does not currently sell any of the clothing items listed in the ‘079 Registration, and has not sold such items for at least the three years preceding the filing date of this Petition.”

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 30:**

State all facts that support or RELATE TO YOUR contention in Paragraph 9 of the PETITION that HAROUNIAN “intends not to resume bona fide use of the VICE mark in the ordinary course of trade.”

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 31:**

State all facts that support or RELATE TO YOUR contention in Paragraph 10 of the PETITION that HAROUNIAN “has abandoned the ‘VICE’ mark.”

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 32:**

State all facts that support or RELATE TO YOUR contention in Paragraph 12 of the PETITION that HAROUNIAN’s sworn statement that “he was, as of February 23, 2015, using the VICE trademark ‘in commerce on or in connection with all goods or services listed in the existing registration for this specific class[‘] . . . . was false at the time it was made.”

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 33:**

State all facts that support or RELATE TO YOUR contention in Paragraph 13 of the PETITION that the t-shirt depicted in the specimen of use attached to HAROUNIAN’S February 23, 2015 Combined Declaration of Use and Application for Renewal “had already been discontinued” by HAROUNIAN.

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 34:**

State all facts that support or RELATE TO YOUR contention in Paragraph 14 of the PETITION that, “[a]s of February 23, 2015, Registrant was not using the VICE trademark in commerce on any of the items listed in the ‘079 Registration.”

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 35:**

State all facts that support or RELATE TO YOUR contention in Paragraph 15 of the PETITION that, “[a]s of February 23, 2015, Registrant has not used the VICE trademark in commerce for at least the preceding three years and perhaps longer.”

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 36:**

State all facts that support or RELATE TO YOUR contention in Paragraph 16 of the PETITION that HAROUNIAN “knew that its statement regarding use of the VICE trademark was false at the time such statement was made.”

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 37:**

State all facts that support or RELATE TO YOUR contention in Paragraph 17 of the PETITION that HAROUNIAN “knew that the specimen of use that it submitted on February 23,

2015 was not a current specimen showing Registrant's current use of the VICE trademark at that time."

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 38:**

State all facts that support or RELATE TO YOUR contention in Paragraph 16 of the ANSWER that "[t]he Registrant, Counterclaim-Plaintiff, comes to this Court, with unclean hands, and is precluded at law and in equity from asserting any of the claims purported to be set forth in the Counterclaim."

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 39:**

State all facts that support or RELATE TO YOUR contention in Paragraph 16 of the ANSWER that "[t]he Registrant, Counterclaim-Plaintiff, is barred from obtaining the relief requested in the Counterclaim under the equitable doctrines of laches, acquiescence, and estoppel."

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 40:**

DESCRIBE in detail YOUR efforts to investigate HAROUNIAN's use or nonuse of the VICE MARK, including YOUR efforts to discover whether the sales evidenced by the INVOICES were bona fide sales of VICE-BRANDED GOODS.

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 41:**

IDENTIFY all DOCUMENTS that RELATE TO any COMMUNICATIONS between YOU and any PERSON identified by counsel for HAROUNIAN as having purchased VICE-BRANDED GOODS.

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 42:**

If YOU contend that any or all of the sales evidenced by the INVOICES were not bona fide sales of VICE-BRANDED GOODS, state all facts and IDENTIFY all DOCUMENTS that support that contention.

**RESPONSE:** Petitioner objects to this interrogatory in that it relates solely to the issues raised in the Petition for Cancellation to be withdrawn on April 13, 2016.

**INTERROGATORY NO. 43:**

DESCRIBE any LICENSED GOODS produced, purchased, or manufactured by YOU including, but not limited to, the types of goods, the number of units for each type of goods, and the location of the goods.

**RESPONSE:** None.

**INTERROGATORY NO. 44:**

DESCRIBE any LICENSED GOODS in YOUR possession on or after December 31, 2011 including, but not limited to, the types of goods, the number of units for each type of goods, and the location of the goods.

**RESPONSE:** None.

**INTERROGATORY NO. 45:**

DESCRIBE in detail all LICENSED GOODS advertised, sold, distributed, or offered for sale, to consumers in the United States, by YOU or on YOUR behalf, on or after January 1, 2012 including, but not limited to, the types of goods, the number of units sold of each type of goods, and the geographical areas in which the goods were advertised, sold, distributed, or offered for sale.

**RESPONSE:** None.

**INTERROGATORY NO. 46:**

IDENTIFY all PERSONS with whom YOU entered into any sublicense agreements pursuant to the January 1, 2008, Trademark License Agreement between HAROUNIAN and Vice Holding Inc.

**RESPONSE:** None.



AS TO OBJECTIONS:

Dated: April 12, 2016

/Lawrence R. Robins/

---

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*Attorneys for Vice Media LLC and  
Vice Media Canada Inc.*

## **CERTIFICATE OF SERVICE**

I hereby certify that, on April 12, 2016, I have served the foregoing PLAINTIFFS' AND COUNTERCLAIM DEFENDANTS' ANSWERS TO FIRST SET OF INTERROGATORIES OF DEFENDANT AND COUNTERCLAIMANT on Defendant and Counterclaimant in this matter by emailing a true and correct copy thereof to the following attorneys of record for Defendant and Counterclaimant per the parties' agreement of October 1, 2015:

Robert Berliner  
rberliner@berliner-ip.com

Sarah Silbert  
ssilbert@berliner-ip.com

/Lawrence R. Robins/  
Kimberly B. Herman  
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*Attorneys for Vice Media LLC and  
Vice Media Canada Inc.*